

## LEGISLATIVE BILL 489

Approved by the Governor April 13, 2006

Introduced by Business and Labor Committee: Cunningham, 40, Chairperson; Burling, 33; Combs, 32; Kremer, 34; Preister, 5; Schimek, 27

AN ACT relating to business and labor; to amend sections 48-168, 48-418, 48-418.04, and 48-418.09, Reissue Revised Statutes of Nebraska; to adopt the Conveyance Safety Act; to change provisions relating to the Nebraska Workers' Compensation Act and elevator inspections; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Sections 1 to 33 of this act shall be known and may be cited as the Conveyance Safety Act.

Sec. 2. For purposes of the Conveyance Safety Act:

(1) Certificate of inspection means a document issued by the commissioner that indicates that the conveyance has had the required safety inspection and tests and that the required fees have been paid;

(2) Commissioner means the Commissioner of Labor;

(3) Committee means the Conveyance Advisory Committee;

(4) Conveyance means any elevator, dumbwaiter, vertical reciprocating conveyor, escalator, moving sidewalk, automated people mover, and other equipment enumerated in section 7 of this act and not exempted under section 8 of this act;

(5) Elevator contractor means any person who is engaged in the business of contracting services for erecting, constructing, installing, altering, servicing, testing, repairing, or maintaining conveyances;

(6) Elevator mechanic means any person who is engaged in erecting, constructing, installing, altering, servicing, repairing, testing, or maintaining conveyances; and

(7) Person means an individual, a partnership, a limited liability company, a corporation, and any other business firm or company and includes a director, an officer, a member, a manager, and a superintendent of such an entity.

Sec. 3. (1) The Conveyance Advisory Committee is created. One member shall be the state elevator inspector appointed pursuant to section 48-418. One member shall be the State Fire Marshal or his or her designee. The Governor shall appoint the remaining members of the committee as follows: One representative from a major elevator manufacturing company; one representative from an elevator servicing company; one representative who is a building manager; one representative who is an elevator mechanic; and one representative of the general public from each county that has a population of more than one hundred thousand inhabitants. The committee shall be appointed within ninety days after the operative date of this section.

(2) The members of the committee appointed by the Governor shall serve for terms of three years, except that of the initial members appointed, two shall serve for terms of one year and three shall serve for terms of two years. The state elevator inspector and the State Fire Marshal or his or her designee shall serve continuously. The appointed members shall be reimbursed for their actual and necessary expenses for service on the committee as provided in sections 81-1174 to 81-1177. The members of the committee shall elect a chairperson who shall be the deciding vote in the event of a tie vote.

(3) The committee shall meet and organize within thirty days after the appointment of the members. The committee shall meet quarterly at a time and place to be fixed by the committee for the consideration of code regulations and for the transaction of such other business as properly comes before it. Special meetings may be called by the chairperson or at the request of two or more members of the committee. Any appointed committee member absent from three consecutive meetings shall be dismissed.

Sec. 4. The committee:

(1) May consult with engineering authorities and organizations concerned with standard safety codes;

(2) Shall recommend to the commissioner rules and regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of conveyances;

(3) Shall recommend to the commissioner qualifications for licensure as an elevator mechanic or elevator contractor and conditions for disciplinary actions, including suspension or revocation of a license;

(4) Shall recommend to the commissioner rules and regulations for

temporary and emergency elevator mechanic thirty-day licenses;

(5) Shall recommend to the commissioner an enforcement program which will ensure compliance with the Conveyance Safety Act and the rules and regulations adopted and promulgated pursuant to the act. The enforcement program shall include the identification of property locations which are subject to the act, issuing notifications to violating property owners or operators, random onsite inspections and tests on existing installations, and assisting in development of public awareness programs; and

(6) Shall make recommendations to the commissioner regarding variances under section 9 of this act, continuing education providers under section 26 of this act, and license disciplinary actions under section 28 of this act.

Sec. 5. The Conveyance Safety Act shall apply to counties that have a population of more than one hundred thousand inhabitants. Sections 48-418 to 48-418.14 apply to all other counties.

Sec. 6. (1) The Conveyance Inspection Fund is created. The commissioner shall use the fund for the administration of the Conveyance Safety Act. Fees collected in the administration of the act shall be remitted to the State Treasurer for credit to the fund and shall not lapse into the General Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The commissioner shall, after a public hearing conducted by the commissioner or his or her designee, establish a reasonable schedule of fees for licenses, permits, certificates, and inspections authorized under the Conveyance Safety Act. The commissioner shall establish the fees at a level necessary to meet the costs of administering the act. It is the intent of the Legislature that, beginning in fiscal year 2008-09, the funding for the administration of the act shall be entirely from cash funds remitted to the Conveyance Inspection Fund.

Sec. 7. (1) The Conveyance Safety Act applies to the design, construction, operation, inspection, testing, maintenance, alteration, and repair of conveyances. Conveyances include the following equipment, associated parts, and hoistways which are not exempted under section 8 of this act:

(a) Hoisting and lowering mechanisms equipped with a car which moves between two or more landings. This equipment includes elevators;

(b) Power driven stairways and walkways for carrying persons between landings. This equipment includes:

(i) Escalators; and

(ii) Moving sidewalks; and

(c) Hoisting and lowering mechanisms equipped with a car, which serves two or more landings and is restricted to the carrying of material by its limited size or limited access to the car. This equipment includes:

(i) Dumbwaiters;

(ii) Material lifts and dumbwaiters with automatic transfer devices;

and

(iii) Conveyors and related equipment within the scope of American Society of Mechanical Engineers B20.1.

(2) The act applies to the design, construction, operation, inspection, maintenance, alteration, and repair of automatic guided transit vehicles on guideways with an exclusive right-of-way. This equipment includes automated people movers.

(3) The act applies to conveyances in private residences at the time of installation, and such conveyances are subject to inspection at installation and are not subject to periodic inspections.

Sec. 8. The Conveyance Safety Act does not apply to:

(1) Conveyances under the jurisdiction and subject to inspection by the United States Government;

(2) Conveyances used exclusively for agricultural purposes;

(3) Personnel hoists within the scope of American National Standards Institute A10.4;

(4) Material hoists within the scope of American National Standards Institute A10.5;

(5) Manlifts within the scope of American Society of Mechanical Engineers A90.1;

(6) Mobile scaffolds, towers, and platforms within the scope of American National Standards Institute A92;

(7) Powered platforms and equipment for exterior and interior maintenance within the scope of American National Standards Institute 120.1;

(8) Cranes, derricks, hoists, hooks, jacks, and slings within the scope of American Society of Mechanical Engineers B30;

(9) Industrial trucks within the scope of American Society of

Mechanical Engineers B56;

(10) Portable equipment, except for portable escalators which are covered by American National Standards Institute A17.1;

(11) Tiering or piling machines used to move materials to and from storage located and operating entirely within one story;

(12) Equipment for feeding or positioning materials at machine tools, printing presses, and similar equipment;

(13) Skip or furnace hoists;

(14) Wharf ramps;

(15) Railroad car lifts or dumpers;

(16) Line jacks, false cars, shafters, moving platforms, and similar equipment used for installing a conveyance by an elevator contractor;

(17) Manlifts, hoists, or conveyances used in grain elevators or feed mills;

(18) Dock levelators; and

(19) Stairway chair lifts and platform lifts.

Sec. 9. (1) The commissioner shall adopt and promulgate rules and regulations which establish the regulations for conveyances under the Conveyance Safety Act. The rules and regulations may include the Safety Code for Elevators and Escalators, American Society of Mechanical Engineers A17.1 except those parts exempted under section 8 of this act; the standards for conveyors and related equipment, American Society of Mechanical Engineers B20.1; and the Automated People Mover Standards, American Society of Civil Engineers 21. The commissioner shall annually review to determine if the most current form of such standards should be adopted.

(2) The commissioner may grant a variance from the rules and regulations adopted in subsection (1) of this section in individual situations upon good cause shown if the safety of those riding or using the conveyance is not compromised by the variance. The commissioner shall adopt and promulgate rules and regulations for the procedure to obtain a variance. The committee shall make recommendations to the commissioner regarding each variance requested. The decision of the commissioner in granting or refusing to grant a variance may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

Sec. 10. Conveyances upon which construction is started subsequent to the operative date of this section shall be registered at the time they are completed and placed in service.

Sec. 11. On and after the operative date of this section: Prior to any newly installed conveyance being used for the first time, the property owner or lessee shall obtain a certificate of inspection from the commissioner. A fee established under section 6 of this act shall be paid for the certificate of inspection. A licensed elevator contractor shall complete and submit first-time registrations for new installations to the state elevator inspector for the inspector's approval. A certificate of inspection shall be clearly displayed in an elevator car and on or in each other conveyance.

Sec. 12. (1) No person shall wire, alter, replace, remove, or dismantle an existing conveyance contained within a building or structure unless such person is a licensed elevator mechanic or he or she is working under the direct supervision of a person who is a licensed elevator mechanic. Neither a licensed elevator mechanic nor a licensed elevator contractor is required to perform nonmechanical maintenance of a conveyance. Neither a licensed elevator contractor nor a licensed elevator mechanic is required for removing or dismantling conveyances which are destroyed as a result of a complete demolition of a secured building.

(2) It shall be the responsibility of licensed elevator mechanics and licensed elevator contractors to ensure that installation and service of a conveyance is performed in compliance with applicable fire and safety codes. It shall be the responsibility of the owner of the conveyance to ensure that the conveyance is maintained in compliance with applicable fire and safety codes.

(3) All new conveyance installations shall be performed by a licensed elevator mechanic under the control of a licensed elevator contractor or by a licensed elevator contractor. Subsequent to installation, a licensed elevator contractor shall certify compliance with the Conveyance Safety Act.

Sec. 13. (1) Except as provided otherwise in the Conveyance Safety Act, the state elevator inspector shall inspect or cause to be inspected conveyances which are located in a building or structure, other than a private residence, at least once every twelve months in order to determine whether such conveyances are in a safe and satisfactory condition and are properly constructed and maintained for their intended use.

(2) Subsequent to inspection of a conveyance, the inspector shall

supply owners or lessees with a written inspection report describing any and all violations. An owner has thirty days after the date of the published inspection report to correct the violations.

(3) All tests done for the conveyance inspection shall be performed by a licensed elevator mechanic.

Sec. 14. (1) No inspection shall be required under the Conveyance Safety Act when an owner or user of a conveyance obtains an inspection by a representative of a reputable insurance company licensed to do business in Nebraska, obtains a policy of insurance from such company upon the conveyance and files with the commissioner a certificate of inspection by such insurance company, files a statement that such conveyance is insured, and pays an administrative fee established pursuant to section 6 of this act.

(2) No inspection shall be required under the act when there has been an annual inspection under a city ordinance which meets the standards of the act.

Sec. 15. If at any time the owner or user of a conveyance desires a special inspection of a conveyance, it shall be made by the state elevator inspector after due request therefor and the inspector making the inspection shall collect his or her expenses in connection therewith and a fee established pursuant to section 6 of this act. A report of the inspection shall be provided to the owner or user who requested the inspection upon their request.

Sec. 16. Upon a conveyance passing an inspection under section 13, 14, or 15 of this act and receipt of the inspection fee, the commissioner shall issue the owner or user of the conveyance a certificate of inspection, upon forms prescribed by the commissioner.

Sec. 17. The state elevator inspector shall maintain a complete and accurate record of the name of the owner or user of each conveyance subject to sections 13 and 14 of this act and a full description of the conveyance and the date when last inspected.

Sec. 18. The commissioner, the state elevator inspector, and the deputy inspectors shall have the right and power to enter any public building or structure for the purpose of inspecting any conveyance subject to the Conveyance Safety Act or gathering information with reference thereto.

Sec. 19. The state elevator inspector shall notify the owner or user in writing of any conveyance found to be unsafe or unfit for operation setting forth the nature and extent of any defect or other unsafe condition. If the conveyance can be used without making repair or replacement of defective parts or may be used in a limited capacity before repairs or replacements are made, the state elevator inspector may issue a temporary certificate of inspection which shall state the terms and conditions of operation under the temporary certificate. The temporary certificate shall be valid for no longer than thirty days unless an extension is granted by the state elevator inspector for good cause shown.

Sec. 20. The owner of a conveyance shall notify the state elevator inspector of any accident causing personal injury or property damage in excess of one thousand dollars involving a conveyance on or before the close of business the next business day following the accident, and the conveyance involved shall not operate until the state elevator inspector has conducted an investigation of the accident and has approved the operation of the conveyance. The state elevator inspector shall investigate and report to the commissioner the cause of any conveyance accident that may occur in the state, the loss of life, the injuries sustained, and such other data as may be of benefit in preventing other similar accidents.

Sec. 21. (1) Any person wishing to engage in the work of an elevator mechanic shall apply for and obtain an elevator mechanic license from the commissioner. The application shall be on a form provided by the commissioner.

(2) Any person wishing to engage in the business of an elevator contractor shall apply for and obtain an elevator contractor license from the commissioner. The application shall be on a form provided by the commissioner.

(3) Each application shall contain:

(a) If an individual, the name, residence and business address, and social security number of the applicant;

(b) If a partnership, the name, residence and business address, and social security number of each partner;

(c) If a domestic corporation, the name and business address of the corporation and the name, residence address, and social security number of the principal officer of the corporation; and if a corporation other than a domestic corporation, the name and address of an agent located locally who is authorized to accept service of process and official notices;

(d) The number of years the applicant has engaged in the business of installing, inspecting, maintaining, or servicing conveyances;

(e) The approximate number of individuals to be employed by the applicant and, if applicable, satisfactory evidence that the employees are or will be covered by workers' compensation insurance;

(f) Satisfactory evidence that the applicant is or will be covered by general liability, personal injury, and property damage insurance;

(g) Permission for the Department of Labor to access the criminal history record information of individuals, partners, or officers maintained by the Federal Bureau of Investigation through the Nebraska State Patrol;

(h) A description of all accidents causing personal injury or property damage in excess of one thousand dollars involving conveyances installed, inspected, maintained, or serviced by the applicant; and

(i) Such other information as the commissioner may by rule and regulation require.

(4) Social security numbers on applications shall not be made public or be considered a part of a public record.

Sec. 22. The commissioner shall adopt and promulgate rules and regulations establishing standards for licensure of elevator mechanics. An applicant for an elevator mechanic license shall demonstrate the following qualifications before being granted an elevator mechanic license:

(1) Not less than three years' work experience in the conveyance industry, in construction, maintenance, and service or repair, as verified by current and previous employers;

(2) One of the following:

(a) Satisfactory completion of a written examination administered by the committee on the most recent referenced codes and standards;

(b) Acceptable proof that the applicant has worked as a conveyance constructor, maintenance, or repair person. Such person shall have worked as an elevator mechanic without the direct and immediate supervision of a licensed elevator contractor and have passed a written examination approved by the commissioner. This employment shall not be less than three years immediately prior to the effective date of the license;

(c) Certificates of completion and successfully passing an elevator mechanic examination of a nationally recognized training program for the conveyance industry as provided by the National Elevator Industry Educational Program or its equivalent; or

(d) Certificates of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of the Conveyance Safety Act and registered with the Bureau of Apprenticeship and Training of the United States Department of Labor or a state apprenticeship council; and

(3) Any additional qualifications adopted and promulgated in rule and regulation by the commissioner.

Sec. 23. An applicant for an elevator contractor license shall demonstrate five years' work experience in the conveyance industry in construction, maintenance, and service or repair, as verified by current or previous employers.

Sec. 24. Upon application, an elevator mechanic license or an elevator contractor license may be issued to a person holding a valid license from a state having standards substantially equal to those of the Conveyance Safety Act.

Sec. 25. Upon approval of an application for licensure as an elevator mechanic, the commissioner may issue a license which shall be renewable biennially if the continuing education requirements are met. The fee for licenses and for license renewal for elevator mechanic licenses and elevator contractor licenses shall be set by the commissioner under section 6 of this act.

Sec. 26. (1) The renewal of elevator mechanic licenses granted under the Conveyance Safety Act shall be conditioned upon the submission of a certificate of completion of a course designed to ensure the continuing education on new and existing rules and regulations adopted and promulgated by the commissioner. Such course shall consist of not less than eight hours of instruction that shall be attended and completed within one year immediately preceding any license renewal. The individual holding the elevator mechanic license shall pay the cost of such course.

(2) The courses shall be taught by instructors through continuing education providers that may include association seminars and labor training programs. The committee shall make recommendations to the commissioner about approval of continuing education providers.

(3) An elevator mechanic licensee who is unable to complete the continuing education course required under this section prior to the expiration of the license due to a temporary disability may apply for an extension from the state elevator inspector. The extension shall be on a

form provided by the state elevator inspector which shall be signed by the applicant and accompanied by a certified statement from a competent physician attesting to such temporary disability. Upon the termination of such temporary disability, the elevator mechanic licensee shall submit to the state elevator inspector a certified statement from the same physician, if practicable, attesting to the termination of such temporary disability. At such time an extension sticker, valid for ninety days, shall be issued to the licensed elevator mechanic and affixed to the license. Such extension shall be renewable for periods of ninety days upon a showing that the disability continues.

(4) Approved continuing education providers shall keep uniform records, for a period of ten years, of attendance of elevator mechanic licensees following a format approved by the state elevator inspector, and such records shall be available for inspection by the state elevator inspector upon request. Approved continuing education providers are responsible for the security of all attendance records and certificates of completion. Falsifying or knowingly allowing another to falsify such attendance records or certificates of completion shall constitute grounds for suspension or revocation of the approval required under this section.

Sec. 27. (1) An elevator contractor shall submit to the commissioner an insurance policy, or certified copy thereof, issued by an insurance company authorized to do business in the state to provide general liability coverage of at least one million dollars for injury or death of any one person and one million dollars for injury or death of any number of persons in any one occurrence and to provide coverage of at least five hundred thousand dollars for property damage in any one occurrence and workers' compensation insurance coverage as required under the Nebraska Workers' Compensation Act.

(2) Such policies, or certified copies thereof, shall be delivered to the commissioner before or at the time of the issuance of a license. In the event of any material alteration or cancellation of any policy, at least ten days' notice thereof shall be given to the commissioner.

Sec. 28. (1) An elevator contractor license issued under the Conveyance Safety Act may be revoked by the commissioner upon verification that the elevator contractor licensee lacks the insurance coverage required by section 27 of this act.

(2) An elevator mechanic license or an elevator contractor license issued under the act may be suspended, revoked, or subject to a civil penalty not to exceed five thousand dollars by the commissioner, after notice and hearing, if the licensee:

(a) Makes a false statement as to material matter in the license application;

(b) Commits fraud, misrepresentation, or bribery in obtaining the license; or

(c) Violates any other provision of the act.

(3) No license shall be suspended, revoked, or subject to civil penalty until after a hearing is held before the committee and the commissioner or his or her designee. The hearing shall be held within sixty days after notice of the violation is received and all interested parties shall receive written notice of the hearing at least fifteen days prior to the hearing. Within fifteen days after the hearing, the committee shall make recommendations to the commissioner or his or her designee of appropriate penalties, if any, warranted under the circumstances of the case. The committee does not have the power to suspend or revoke licenses or impose civil penalties. Within thirty days after the hearing, the commissioner shall issue a decision which may include license suspension, license revocation, and civil penalties. The decision of the commissioner may be appealed. The appeal shall be in accordance with the Administrative Procedure Act.

Sec. 29. The commissioner shall adopt and promulgate rules and regulations establishing standards and procedures for the issuance of temporary and emergency elevator mechanic thirty-day licenses and for the extension of such licenses for good cause shown.

Sec. 30. (1) Any person may make a request for an investigation into an alleged violation of the Conveyance Safety Act by giving notice to the commissioner or state elevator inspector of such violation or danger.

(2) Upon receipt of a request for an investigation, the commissioner or state elevator inspector shall perform a preliminary inquiry into the charges contained in the request for investigation. A request for an investigation may be made in person or by telephone call and shall set forth with reasonable particularity the grounds for the request for an investigation. During the preliminary inquiry, the name, address, and telephone number of the person making the request for an investigation shall be available only to the commissioner, state elevator inspector, or other

person carrying out the preliminary inquiry on behalf of the commissioner or state elevator inspector. The commissioner or state elevator inspector shall keep a record of each request for an investigation received under this section for three years after such request is made.

(3) If after the preliminary inquiry the commissioner or state elevator inspector determines that there are reasonable grounds to believe that such violation or danger exists and is likely to continue to exist such that the operation of the conveyance endangers the public, the commissioner or state elevator inspector shall cause a formal investigation to be made. During the formal investigation, a statement shall be taken from the person who made the request for an investigation and the person's name, address, and telephone number shall be made available to any opposing parties upon request.

(4) If the commissioner or state elevator inspector determines that there are no reasonable grounds to believe that a violation or danger exists under either subsection (2) or (3) of this section, the commissioner shall notify the person requesting the investigation in writing of such determination.

Sec. 31. The Conveyance Safety Act shall not be construed to relieve or lessen the responsibility or liability of any person owning, operating, controlling, maintaining, erecting, constructing, installing, altering, testing, or repairing any conveyance covered by the act for damages to person or property caused by any defect therein. By administering the Conveyance Safety Act, the state and its officers and employees assume no liability for accidents involving a conveyance.

Sec. 32. Under the Conveyance Safety Act, conveyances shall be required to comply with the code standards applicable at the time such conveyance was or is installed. However, if, upon the inspection of any conveyance, (1) the conveyance is found to be in a dangerous condition or there is an immediate hazard to those using such conveyance or (2) the design or the method of operation in combination with devices used is considered inherently dangerous in the opinion of the state elevator inspector, the state elevator inspector shall notify the owner of the conveyance of such condition and shall order such alterations or additions as may be deemed necessary to eliminate the dangerous condition.

Sec. 33. (1) Any person who knowingly violates the Conveyance Safety Act is guilty of a Class V misdemeanor. Each violation shall be a separate offense.

(2) Any person who installs a conveyance in violation of the Conveyance Safety Act is guilty of a Class II misdemeanor.

Sec. 34. Section 48-168, Reissue Revised Statutes of Nebraska, is amended to read:

48-168 (1) The Nebraska Workers' Compensation Court shall not be bound by the usual common-law or statutory rules of evidence or by any technical or formal rules of procedure, other than as herein provided, but may make the investigation in such manner as in its judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of the Nebraska Workers' Compensation Act.

(2)(a) The Nebraska Workers' Compensation Court may establish procedures whereby a dispute may be submitted by the parties, by the ~~supplier~~ provider of medical, surgical, or hospital services pursuant to section 48-120, or by the compensation court on its own motion for informal dispute resolution by a staff member of the compensation court or outside mediator. Any party who requests such informal dispute resolution shall not be precluded from filing a petition pursuant to section 48-173 if otherwise permitted. No settlement or agreement reached as the result of an informal dispute resolution proceeding shall be final or binding unless such settlement or agreement is in conformity with the Nebraska Workers' Compensation Act.

(b) Until January 1, 2008, the Nebraska Workers' Compensation Court shall establish procedures for informal dispute resolution and arbitration for a dispute regarding the fees owed for medical, surgical, or hospital services provided pursuant to section 48-120. If the provider of medical, surgical, or hospital services and the workers' compensation insurer, risk management pool, or self-insured employer are unable to reach an agreement on the fees to be paid for such services: (i) They may agree to submit the dispute to an attorney staff member of the compensation court for resolution of the dispute through the informal dispute resolution process and for arbitration, if the dispute is unresolved in the informal dispute resolution process; or (ii) the parties may agree to submit the dispute directly to arbitration. A decision by the attorney staff member for the court as the result of an arbitration proceeding shall be final and binding and not subject to appeal.

~~(b)~~ (c) Informal dispute resolution and arbitration proceedings shall be regarded as settlement negotiations and no admission, representation,

or statement made in informal dispute resolution or arbitration proceedings, not otherwise discoverable or obtainable, shall be admissible as evidence or subject to discovery. A staff member or mediator shall not be subject to process requiring the disclosure of any matter discussed during informal dispute resolution or arbitration proceedings. Any information from the files, reports, notes of the staff member or mediator, or other materials or communications, oral or written, relating to an informal dispute resolution or arbitration proceeding obtained by a staff member or mediator is privileged and confidential and may not be disclosed without the written consent of all parties to the proceeding. No staff member or mediator shall be held liable for civil damages for any statement or decision made in the process of dispute resolution or arbitration unless such person acted in a manner exhibiting willful or wanton misconduct.

~~(e)~~ (d) The compensation court may adopt and promulgate rules and regulations regarding informal dispute resolution and arbitration proceedings that are considered necessary to effectuate the purposes of this section.

Sec. 35. Section 48-418, Reissue Revised Statutes of Nebraska, is amended to read:

48-418 The Commissioner of Labor shall, on or before the first day of July 1965, appoint a state elevator inspector, subject to the approval of the Governor, who shall work under the direct supervision of the commissioner. The person so appointed shall be qualified by not less than five years' journeyman experience in elevator installation, maintenance, and inspection as determined by the Commissioner of Labor and shall be familiar with the inspection process provided by the Nebraska Elevator Code provided under section 48-418.12 and the inspection process and rules and regulations adopted and promulgated under the Conveyance Safety Act. The commissioner, subject to the approval of the Governor, may appoint deputy inspectors possessing the same qualifications as the state elevator inspector. A qualified individual may apply for the position of deputy inspector and such application shall include the applicant's social security number.

Sec. 36. Section 48-418.04, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.04 The provisions of sections 48-418 to 48-418.12 shall not apply to (1) elevators under the jurisdiction and subject to inspection by the United States Government, (2) elevators used exclusively for agricultural purposes, and (3) elevators in private residences, and (4) elevators located in counties that have a population of more than one hundred thousand inhabitants. Elevators and other conveyances located in counties that have a population of more than one hundred thousand inhabitants are regulated under the Conveyance Safety Act.

Sec. 37. Section 48-418.09, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.09 (1) The Commissioner of Labor may charge a reasonable fee for each elevator inspection. The commissioner shall establish the fees at a level necessary to meet the costs of the elevator inspection program as approved by the Legislature and to provide a sufficient balance in the Elevator Inspection Fund.

(2) An annual inspection fee of not more than ~~seventy-five~~ one hundred fifty dollars per unit up to five floors plus five dollars for each floor over five shall be paid for each elevator inspected. For new installations, a preliminary inspection fee of not more than ~~seventy-five~~ one hundred fifty dollars shall be paid, and for an initial inspection, a fee of not more than seventy-five dollars shall be paid one hundred fifty dollars per unit up to five floors plus an additional five dollars for each floor over five shall be paid for each elevator inspected. For an initial inspection, a fee of not more than two hundred dollars per unit up to five floors plus five dollars for each floor over five shall be paid. If an elevator does not pass an initial inspection and a reinspection is required, an additional initial inspection fee shall be charged for each additional reinspection of such elevator. Such fees shall be paid by the owner or user for each elevator inspected by the state elevator inspector before the inspection certificate is issued.

(3) For the class of elevators which includes escalators, moving sidewalks, conveyors, and dumbwaiters, the preliminary inspection fee shall be not more than one hundred fifty dollars per unit up to five floors plus an additional five dollars for each floor over five. The ~~7~~ the initial inspection fee shall be not more than one hundred fifty dollars per unit up to five floors plus an additional five dollars for each floor over five. The ~~7~~ and the annual inspection fee shall be not more than one hundred fifty dollars per unit for up to five floors with an additional charge of five dollars ~~per floor~~ for each floor over five. If such escalator, moving sidewalk, conveyor, or dumbwaiter does not pass an initial inspection and a reinspection is required,

an additional initial inspection fee shall be charged for each additional reinspection of such elevator. Such fees shall be paid by the owner or user for each escalator, moving sidewalk, conveyor, or dumbwaiter inspected by the state elevator inspector before the inspection certificate is issued.

(4) If at any time the owner or user desires a special inspection of an elevator, it shall be made by the elevator inspector after due request therefor and the inspector making the inspection shall collect his or her expenses in connection therewith and a fee of not more than ~~seventy-five~~ two hundred dollars for each elevator inspected with an additional charge of five dollars for each floor over five.

Sec. 38. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, and 41 of this act become operative on January 1, 2008. Sections 34 and 39 of this act become operative three calendar months after the adjournment of this legislative session. Sections 37 and 40 of this act become operative on July 1, 2006. The other sections of this act become operative on their effective date.

Sec. 39. Original section 48-168, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 40. Original section 48-418.09, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 41. Original sections 48-418 and 48-418.04, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 42. Since an emergency exists, this act takes effect when passed and approved according to law.